

EXHIBIT
J

FETP 62862

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Vassel et al.)
Serial No.: 09/289,258)
Filed: 4/9/99)
For: NON-LETHAL PROJECTILE)
FOR DELIVERING AN)
INHIBITING SUBSTANCE TO)
A LIVING TARGET)
Group Art)
Unit: 3641)
Examiner: Tudor, H.)

DECLARATION PURSUANT TO 37 C.F.R. § 1.131

Hon. Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Edward J. Vassel, declare as follows:

1. I am currently an employee of Jaycor Tactical Systems, Inc. (hereafter referred to as "JTS"), and previously an employee of Jaycor.

3. I am a joint inventor of the invention as variously described and claimed in U.S. Patent Application No. 09/289,258.

4. Attached to the Declaration of Edward J. Vassel, Scott C. Nunan, Gregory A. Niederhaus and Peter G. Coakley (which accompanies this declaration) as Exhibit J is

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an article published in the Journal of Forensic Science specifying the main ingredients or capsaicinoids found in oleoresin capsicum. Table 2 on page J5 indicates that oleoresin capsicum includes capsaicin, dihydrocapsaicin (DHC), nordihydrocapsaicin (NDHC), homocapsaicin (HC), homodihydrocapsaicin (HDHC) and nonivamide.

5. As described on page J4 of Exhibit J under the heading "Analysis of Oleoresin Capsicum", commercially available oleoresin capsicum samples were diluted with n-butyl chloride:methanol and octanoyl-vanillamide was added. The sample was evaporated to dryness, then reconstituted with methanol and distilled water prior to being analyzed using liquid chromatography/mass spectrometry (LC/MS).

6. The commercially available oleoresin capsicum samples referred to in the article were in powdered form. I know this because, at the request of the authors of the article of Exhibit J, I (along with other non-affiliated sources) provided a powdered oleoresin capsicum sample to be tested. These test results were published in the article of Exhibit J. Prior to this request to provide powder samples, I had no contact with the authors of the article. Since the publication of this article, I have had contact with the authors of the article, who verified that powdered oleoresin capsicum was tested.

7. Thus, Table 2 on page J5 of Exhibit J provides the main capsaicinoids found in powdered oleoresin

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capsicum. Therefore, powdered oleoresin capsicum is known to include capsaicin, dihydrocapsaicin (DHC), nordihydrocapsaicin (NDHC), homocapsaicin (HC), homodihydrocapsaicin (HDHC) and nonivamide.

8. As I am advised I must, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patents issuing thereon, or any patent to which this Declaration is directed.

11/14/01
Date

Edward J. Vasel
Edward J. Vasel

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